

# LEGISLATIVE UPDATE

Clerks of the Circuit Court  
Annual Conference  
June 2014

## SEA 208

- Amends IC 5-14-3-4
- Effective upon passage
- Public records
- Added exception to some items on the unclaimed property report to the Attorney General that may be excluded
  - Date of birth
  - Driver's license number
  - Taxpayer identification number
  - Employer identification number or
  - Account number

## HEA 1178

- Amends IC 36-1-8.5-3
- Effective July 1, 2014
- Restricted addresses
- Added federal judges to the covered group that may submit a written request to restrict access to their address

## SEA 422

- Amends IC 32-29-7-3
- Effective July 1, 2014
- In regard to Sheriff's sale of property
- (i) If a sale of mortgaged property scheduled under this section
- is canceled, the sheriff shall provide written notice of the
- cancellation to each owner of the real estate. Service of the
- written
- notice shall be made as provided in the Indiana Rules of Trial
- Procedure governing service of process upon a person. The
- sheriff
- shall charge a fee of ten dollars (\$10) for notice to one (1)
- owner
- and three dollars (\$3) for notice to each additional owner for
- service of written notice under this subsection.

## SEA 422 Continued

- The fee:
- (1) is a cost of the proceeding;
- (2) shall be collected as other costs of the proceeding are collected; and
- (3) shall be deposited in the county general fund for appropriation for operating expenses of the sheriff's department.
- The fee for service under this subsection shall be paid by the
- person who caused the sale to be canceled.

## HEA 1005

- Repeals IC 25-18-1 and IC 33-32-5-2
- Effective July 1, 2014
- Distress sale, going out of business sale, a removal of business sale, or a fire or other alter goods sale or any combination
- Clerk no longer issues license or maintains inventory

## HEA 1050

- Amends IC 14-22-11-5
- Effective July 1, 2014
- Amends IC 14-22-11-5 and adds IC 14-22-12-1.8
- Special Circumstances Hunting Safety Card for Disabled person

## HEA 1062

- Amends IC 5-1-5-2.5
- Effective Upon Passage – 3/25/14
- School debt restructuring/issuing refunding bonds (retiring old bonds and refinancing for a better rate)
- Still uses the petition/remonstrance process under IC 6-1.1-20-3.1 and 3.2
- Still requires requesting 201 form series from State Board of Accounts
- Changes school criteria that must use this process and how initiated

## HEA 1062 Continued

- If at least 1 taxpayer appearing at the public hearing:
  - objects to the proposed resolution and
  - files a written objection not more than 10 days after hearing with
    - Governing body of school corporation and
    - County auditor
- Petition requesting the application of a petition and remonstrance process may be filed
  - Not more than 30 days after hearing
  - By 100 persons who are either owners of property within the school corporation or registered voters residing within the school corporation

## HEA 1062 Continued

- The provisions under IC 6-1.1-20-3.1 (b), including the verification of petition process apply
- If sufficient petition request then provisions under IC 6-1.1-20-3.2(b) process for petition remonstrance apply

## HEA 1075

- Adds IC 5-10.5-4-2.5
- Effective upon passage
- INPRS cannot enter into an agreement with 3<sup>rd</sup> party before 1/1/17 to provide annuities for retiring members
- Adds IC 5-10.5-4-2.6
- Effective upon passage
- Interest rates used to determine annuity amount purchasable by a member who elects to receive as part of retirement an annuity
- After 9/30/14 and before 10/1/15 - 5.75%
- After 9/30/15 and before 1/1/17 – 4.5%

## HEA 1155

- Repeals IC 35-38-5-1, IC 35-38-5-2, IC 35-38-5-3, IC 35-38-5-4, Amends IC 35-38-9-1, IC 35-38-9-2, IC 35-38-9-3, IC 35-38-9-4, IC 35-38-9-5
- Effective Upon Passage-3/26/14
- “Expungement”
- Removed language that a person who files a petition to expunge conviction records may not receive a waiver or reduction of fees
- Removed language that person filing a petition to expunge conviction records shall pay the filing fees required for filing a civil action and the clerk shall distribute the fees as in the case of a civil action

## HEA 1268

- Adds IC 11-12-3.8
- Effective July 1, 2014
- Mental health and addiction forensic treatment services
- Grants to community corrections program
- Amends IC 11-13-2-2
- Effective July 1, 2014
- Expands allowable expenditure of program grants made to courts administering probation

## HEA 1318

- Amends IC 3-8-2-7
- Effective January 1, 2015
- Declaration of candidate
- Statement that understand may be required to obtain and file a surety bond before serving office
- Understand that may be required to successfully complete training related to service in an elected office

## HEA 1347

- Amends IC 5-15-6-1
- Effective July 1, 2014
- County commission of public records
- Clerk or Recorder must be secretary of the commission

## HEA 1347 Continued

- Amends IC 32-30-3-17
- Effective July 1, 2014
- Quiet the title to real estate
- Clerk shall include the costs of a transcript of the proceedings into the costs of the proceeding
- The county recorder shall record the certified copy of the final judgment and collect any applicable recording fee



## HEA 1347 Continued

- Amends IC 32-30-11-1, IC 33-32-3-2, IC 33-32-3-5, IC 33-32-3-7,
- Effective July 1, 2014
- Lis pends
- Clerk may keep the lis pendens record, judgment docket, execution docket, register of witness fee and other court fees
  - In hard copy form or
  - In electronic form, if all information in the lis pendens record is available to the public to inspect or copy in the electronic form

## HEA 1347 Continued

- Adds IC 33-32-2-10
- Effective July 1, 2014
- Whenever clerk required to send by registered or certified mail a document filed with a court
- The initial mailing of the document
  - To each party required to receive and
  - To only 1 of the party's addresses
- Paid out of court costs and fees
- No different than now
  - Court costs and fees are distributed to general fund, special revenue funds (user fee fund), and other units
  - Postage paid out of available funding, usually general fund operating

## HEA 1347 IC 33-32-2-10 Continued

- If person request mailing after initial mailing
- Person will pay the cost of mailing
- The amount collected by the clerk for additional mailing
  - Where paid out of general fund goes to general fund

## HEA 1347 Continued

- Amends IC 33-32-3-2
- Effective July 1, 2014
- Judgment Docket
- Clerk official keeper
- Must contain
  - All civil judgments in which one party owes another, including court costs awarded a judgment creditor
  - Any entry required by statute

## HEA 1347 IC 33-32-3-2 Continued

- Judgment Docket may not include
  - Judgments for money owed by a person to state, county, or another governmental entity because of criminal conviction or violation of an infraction or ordinance or
  - Judgments in which a governmental entity is sole creditor...except for when the state obtains a judgment for unpaid taxes
- Judgment Docket may be paper or electronic
- Made available during the clerks regular office hours
- If electronic the docket must be searchable and public must be able to search for the name of a specific party and obtain list of all judgments in docket concerning the party

## HEA 1347 IC 33-32-3-2 Continued

- Garnishment of wages
- Clerk not required to notify employer after the judgment satisfied
- Request to suspend garnishment must be submitted by judgment debtor to court
- Clerk not required to take any other action than to obey court orders

## HEA 1347 Continued

- Added IC 33-37-12
- Effective July 1, 2014
- Circuit Court Clerk Administrative fee-overpayments
- Applies to any amount that the clerk collects except for child support funds
- If the amount collect is more than amount required
  - Retain up to \$3 for an administrative fee
  - Refund the excess amount
  - Deposit the administrative fee for overpayment into the clerk's records perpetuation fund